

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**KENDRICK ALLEN ROBERSON**

§  
§  
§  
§  
§

**CRIMINAL NO. 4:16-CR-84-ALM-KPJ**

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 28, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Marisa Miller.

On February 9, 2017, United States District Judge Amos L. Mazzant, III, sentenced Defendant to a term of thirty-three (33) months' imprisonment followed by three (3) years of supervised release. On June 3, 2019, Defendant's supervision was revoked, and he was sentenced to eight (8) months' imprisonment followed by twenty-eight (28) months of supervised release. Defendant completed his term of imprisonment and began serving the term of supervision on January 17, 2020.

On September 2, 2021, the U.S. Probation Officer filed the First Amended Petition for Warrant or Summons for Offender under Supervision (the "Amended Petition") (Dkt. 52). The Amended Petition asserts Defendant violated the following conditions of supervision: (1) Defendant must not commit another federal, state, or local crime; (2) Defendant must not unlawfully possess a controlled substance; (3) Defendant must refrain from any unlawful use of a controlled substance; (4) Defendant must work full time (at least 30 hours per week) at a lawful

type of employment or, if unemployed, must try to find full-time employment, unless the probation officer excuses Defendant from doing so; (5) Defendant must submit to substance abuse testing; and (6) Defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon.

The Amended Petition asserts Defendant violated the foregoing conditions:

- On October 15, 2020, Defendant was arrested by Denison Police Department for possession of marijuana and unlawfully carrying a weapon.
- On or about February 27, 2020, a urine specimen provided by Defendant tested positive for marijuana.
- On or about August 5, 2020, a urine specimen provided by Defendant tested positive for methamphetamine.
- Defendant failed to secure employment during his term of supervised release, as required.
- Defendant failed to report for substance abuse testing on the following dates: March 11, 2020; May 16, 2020; June 9, 2020; and August 14, 2020.
- On October 15, 2020, Defendant possessed a silver Davis Industry P380 .380 caliber firearm (serial number AP0955557).

On October 28, 2021, the Court conducted a final revocation hearing on the Amended Petition. Defendant entered a plea of true to allegations 2 through 5, consented to revocation of his supervised release, and waived his right to object to the proposed findings and recommendations of the United States Magistrate Judge. *See* Dkt. 64. The Government moved to dismiss allegations 1 and 6, which the Court granted. The Court finds that Defendant violated the terms of his supervised release, and thus, his supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the October 28, 2021 hearing, the Court recommends that Defendant be committed to

the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no term of supervised release to follow.

**So ORDERED and SIGNED this 1st day of November, 2021.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE